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7 **UNITED STATES DISTRICT COURT**

8 **NORTHERN DISTRICT OF CALIFORNIA**

9 **SAN FRANCISCO DIVISION**

10

11 *IN RE: BLACKHAWK NETWORK DATA*  
12 *BREACH LITIGATION*

13 This Document Relates To:  
14 3:22-cv-7492-CRB (Cortez)

15 Case No.: 3:22-cv-07084-CRB  
16 Hon. Charles R. Breyer, Courtroom 6, 17<sup>th</sup> Floor

17 **DECLARATION OF KILEY**  
**GROMBACHER IN SUPPORT OF**  
**PLAINTIFFS' MOTION FOR**  
**IMPOSITION OF AN APPEAL BOND**  
**UNDER RULE 7 OF THE FEDERAL**  
**RULES OF APPEALATE PROCEDURE**  
**IN THE AMOUNT OF \$15,000 ON**  
**OBJECTORS-APPELLANTS MIRIAM**  
**"MABEL" BROWN AND DAVID LOPEZ**

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19 **Hearing Date: November 15, 2024**  
**Time: 10:00 a.m.**  
**CR: 6**

1 I, Kiley Grombacher, declare that the following is true:

2 1. I am an attorney admitted to practice before this Court and am a partner in the firm  
3 of Bradley/Grombacher LLP, counsel for Plaintiffs in the action captioned above. I make this  
4 declaration of my own personal knowledge and, if called to do so, could testify competently to the  
5 facts stated herein under oath.

6 2. I am submitting this Declaration in Support of Plaintiffs' Motion for an Appeal  
7 Bond under Rule 7 of the Federal Rules of Appellate Procedure.

8 3. On May 31, 2024 the Court held a final fairness hearing to consider Plaintiffs'  
9 motion for final approval of the Settlement and Plaintiffs' motion for attorneys' fees,  
10 reimbursement of expenses and incentive awards. Neither Ms. Brown nor Mr. Lopez appeared at  
11 the fairness hearing, and no counsel appeared on behalf of Ms. Brown or Mr. Lopez at the fairness  
12 hearing. At this hearing, Blackhawk's counsel reported that 24,287 claims had been submitted as  
13 of the April 19, 2024 submission deadline, to which the Court responded "Great. That's very  
14 good." A true and correct copy of the May 31, 2024 hearing transcript is attached hereto as **Exhibit**  
15 **A.**

16 4. I co-authored an email to Ms. Brown and Mr. Lopez with my co-counsel, Terence  
17 R. Coates. This email informed Ms. Brown and Mr. Lopez that they are not Settlement Class  
18 members and that they lack standing to appeal the Settlement. Ms. Brown and Mr. Lopez were  
19 encouraged to independently pursue any claims that they may have against Blackhawk in their  
20 own separate litigation. This email was sent to Ms. Brown and Mr. Lopez on July 24, 2024. To  
21 date, Ms. Brown has not replied to Plaintiffs' counsels' email. On July 25, 2024, Mr. Lopez replied  
22 to Plaintiffs counsels' email. Mr. Lopez stated his intention to with his appeal at the Ninth Circuit.  
23 To date, neither Ms. Brown or Mr. Lopez have dismissed their appeal. A true and correct copy of  
24 this email correspondence is attached hereto as **Exhibit B.**

25 5. It is necessary for Plaintiffs to conduct additional formal expedited discovery,  
26 including depositions and written discovery, for Plaintiffs' counsel to determine whether Ms.  
27  
28

1 Brown and Mr. Lopez are Settlement Class members and to determine their ability to  
2 pay Plaintiffs' costs and requested sanctions when Objectors-Appellants lose their appeal.  
3 This discovery will likely include a handful of requests for production of documents and the  
4 depositions of Ms. Brown, which can be taken remotely if needed.

5       6. I conservatively estimate that the costs of preparing and filing the record, preparing  
6 and filing briefs, and the cost of obtaining transcripts—including transcripts of the depositions of  
7 Objector-Appellant Ms. Brown and Objector-Appellant Mr. Lopez, taken in connection with the  
8 additional limited discovery granted by the Court—will be at least \$15,000.

9 I declare under penalty of perjury under the laws of the United States of America that the  
10 foregoing is true and correct, and that this declaration was executed on this 2nd day  
11 of October 2024 at Westlake Village, California.

/s/ Kiley L. Grombacher  
Kiley L. Grombacher